

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST**

**REPUBLIC OF SRI LANKA.**

In the matter of an application for bail under terms of section 10 (1) of the Assistance to and Protection of Victims of Crime and Witnesses Act, No 04 of 2015.

The Officer in Charge

Police Station

Court of Appeal Case No: Gonapinuwela.

**CA BAIL 18/22**

**Complainant**

Magistrate's Court of Galle Case No:

Vs.

**B 18652**

Krithombu Baduge Danushka  
Dilshan alias Kambel.

Sanasa Road,

Arachchikanda,

Hikkaduwa.

**Suspect**

**AND NOW**

Krithombu Baduge Danushka  
Dilshan alias Kambel.

Sanasa Road,

Arachchikanda,

Hikkaduwa.

(Presently at the Galle Prison)

**Suspect Petitioner**

Vs.

1) Officer in Charge

Police Station

Gonapinuwela

2) The Hon. Attorney General,

Attorney General's Department

Colombo 12.

**Respondents**

Before: Menaka Wijesundera J.

Neil Iddawala J.

Counsel: Sanjith Senanayake for the suspect – petitioner.

Indika Nelummini S.C. for state.

Argued on: 22.11.2022

Decided on: 15.12.2022

**MENAKA WIJESUNDERA J.**

The instant application has been filed to obtain for the suspect namely **Krishthombu Baduge Danushka Dilshan alias Kambel** under the provisions of the **Assistance to and Protection of Victims of Crimes and Witnesses act**.

A person by the name of **Isuru Sampath** had complained against the suspect for allegedly assaulting him on 25.11.2021 and the police had produced under the provisions of the instant act and the Magistrate had remanded him.

The main contention of the Counsel for the suspect is that the instant act had been used against the suspect in order to deny him bail when the offence in question do not fall within the provisions of the act.

The Counsel for the respondents objected to the application and said that the complainant in the instant matter is related to a complainant where the suspect friend is an accused.

But we are unable to see as to how that situation falls under the provisions of the instant act.

But we note that the suspect has been in remand for over a period of one year and we see that the complaint against the suspect is very vague with regard to the definitions under this act hence we see this as an act which had abused the provisions of the instant act which in turn violates the objectives of the statute.

As such the instant application for bail is allowed and this Court directs the learned Magistrate to enlarge the above-named suspect on suitable conditions of bail upon the receipt of this order.

As such the instant application is allowed.

**Judge of the Court of Appeal.**

**Neil Iddawala J.**

**I agree.**

**Judge of the Court of Appeal.**